

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA	:	CASE NO. 3:18-CR-158
Plaintiff,	:	(Judge Walter H. Rice)
v.	:	
NASER ALMADAOJI	:	<u>DEFENDANT'S MOTION FOR MENTAL</u>
Defendant.	:	<u>HEALTH EVALUATION</u>

Now comes the Defendant, Naser Almadaoji, by and through counsel, and hereby moves the Court for approval of a mental health evaluation for the purposes of ensuring that the sentence imposed in this matter adequately reflects a full understanding of the history and personal characteristics of Mr. Almadaoji, as well to assist the Court in assessing the need for effective mental health, vocational, or other correctional treatment as part of the sentence in this case. *See*, 18 U.S.C. §3553 (a)(1) and (b)(2)(D).

The Criminal Justice Act Plan for the Southern District of Ohio ("CJA Plan") provides that:

"[t]he primary objective of this Plan is to attain the ideal of equality before the law for all persons. Therefore, this Plan shall be administered so that those accused of crime, or otherwise eligible for services under the CJA, will not be deprived, because they are financially unable to pay for adequate representation, of any element of representation necessary to an adequate defense."

CJA Plan, Section II(A)(1).

In the course of discussions with the Defendant, various conversations with members of his family, and participation in the Probation Office interview of Mr. Almadaoji, counsel believes that in this case, the Court would be well served and would benefit from a fuller understanding of the mental health of the Defendant. Counsel's investigation has shown that Mr. Almadaoji likely suffers from mental health or neurological conditions that impacted his decision to commit the instant offense.

Mr. Almadaoji has frequently expressed a desire for mental health counseling and treatment, which is not readily available to him in the Butler County jail facility. He also expresses significant guilt and stress over choices he made in 2018 and the impacts they have had on his family members. Mr. Almadaoji is now 22 years of age. Counsel believes that an in depth mental status evaluation will provide valuable insight into Mr. Almadaoji's behaviors, his family and mental health history, his potential for effective rehabilitation, and will further assist this Court in fashioning the least severe sentence necessary to accomplish the statutory purposes of sentencing.

The CJA Plan permits the expenditure of up to \$2,500.00 for investigative and expert services, with District Court pre-approval. *See*, CJA Panel Attorney Quick Reference Guide, <http://www.ohsd.uscourts.gov/sites/ohsd/files/203.30.2018.pdf>. Counsel has conferred with Dr. Scott Bresler, a forensic psychologist, who has indicated a willingness to perform this evaluation. Dr. Bresler is currently the Clinical Director of the University of Cincinnati Medical Center Division of Forensic Psychology. Dr. Bresler's hourly billing rate is \$275, billed in quarter-hour increments. His curriculum vitae is attached hereto as *Exhibit A*.

Counsel has conferred with Dr. Bresler in an effort to obtain an estimate of the total cost of his services and the timeline that he believes will be necessary to conduct an effective evaluation of the Defendant as well as preparing for testimony at sentencing. Dr. Bresler has estimated that

in order to review a limited set of discovery materials, conduct in-person meetings/evaluations of the Defendant, prepare a report if directed, and testify if requested, it will likely require up to 15-20 hours of his time. Thus, the total budget requested from the Court is \$5,500.00.

On these grounds, the Defendant requests that the Court approve the appointment of Dr. Bresler and the payment of costs in excess of the ordinary cap for his services. Should the Court require that a budget be submitted for review by the CJA Budgeting Attorney, the undersigned will consult with the budgeting attorney and submit a proposed budget forthwith.

Finally, should the Court grant this Motion, the Defendant would further request permission from the Court to share the Initial and Final Presentence Investigation Reports with Dr. Bresler.

Respectfully submitted,

/s/ James P. Fleisher

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Attorney for Defendant, Naser Almadaoji

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December, 2021, I filed the foregoing document with the Clerk of Courts, United States District Court, Southern District of Ohio, by way of the Court's CM/ECF system.

/s/ James P. Fleisher
JAMES P. FLEISHER

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